

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

APL CO PTE LTD., et al.,

Plaintiffs,

vs.

IMPX TRADERS, INC., et al.,

Defendants.

Case No.: C 13-3706 KAW

**ORDER REQUIRING DEFENDANT IMPX
TRADERS, INC. TO RETAIN COUNSEL**


On November 12, 2013, the above-captioned case was referred to the undersigned. In the order of referral, the district judge noted that Defendant Malleshwar Hiriyur may proceed pro se as an individual, but that Defendant IMPX Traders may only appear through, and must retain, counsel.

Accordingly, the court hereby orders Defendant IMPX Traders to retain counsel. *See* 28 U.S.C. § 1654; Civil Local Rule 3-9(b) ("A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court."); *D-Beam Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) ("It is a longstanding rule that corporations and other unincorporated associations must appear in court through an attorney.") (citations omitted). Once Defendant IMPX Traders has retained counsel, its attorney shall file a notice of appearance within 30 days of this order. Failure to comply with this deadline may result in the entry of a default judgment against Defendant. *See Employee Painters' Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007) (default may be a permissible sanction for failure to comply with local rules requiring representation by counsel).

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2 The court shall set a hearing on the pending motion to dismiss only once Defendant IMPX
3 Traders' counsel has entered an appearance in this case or, if applicable, once default has been
4 entered against Defendant IMPX Traders. The court notes that Defendant Hiriur, who originally
5 filed the motion to dismiss, has not filed a reply and that the October 15, 2013 deadline for the filing
6 of such reply has passed.

7 IT IS SO ORDERED.

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9 DATE: November 14, 2013


KANDIS A. WESTMORE
United States Magistrate Judge